



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

TO: Board of Adjustment, District 3

FROM: Peter Gardner, Planner I

FOR: Beverly Wilson, Planning Director

SUBJECT: Final Minutes of the Regular Meeting of February 11, 2014

DATE: February 27, 2014

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice-Chair
Helen Barnard, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

None

These minutes for the BA3 meeting held on February 11, 2014 are complete only when accompanied by the memoranda for said meeting dated February 11, 2014.

Call to Order / Roll Call / Election:

Chairman Paul Brick called the meeting to order at 6:30 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all members of the Board were present and that as such, a quorum was established and business could proceed.

Mr. Wales made a motion to approve the minutes of the January 14, 2014 regular meeting. Ms. Barnard seconded the motion, and the vote was 3-0 to approve the minutes of the January 14, 2014 meeting.

NEW BUSINESS

Docket BA3-14-02 (Mustang Mountain): The Applicant proposes to change the use of an existing retail establishment to a church, and requests a Variance from Section 1804.07.C.1 of the Cochise County Zoning Regulations requiring a DBST surface in all parking areas. The Applicant is requesting to use gravel in lieu of DBST. The subject parcel, 106-05-018F, is located at 2281 N. Highway 90, in Huachuca City, AZ. The Applicant is Larry Whitney.

Chairman Brick called for the Planning Director's presentation of the Docket. Mr. Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variance.

Mr. Gardner explained the temporary nature of the Applicant's proposal. He concluded by offering factors in favor and against approval.

Chairman Brick noted that the Applicant was not present, nor were any members of the public. Mr. Brick noted a typographical error on the report, and then asked if Staff had more photographs, which Mr. Gardner provided. Mr. Wales asked why the gravel lot was not previously permitted. Mr. Gardner explained that the change of use caused the current standards to apply, driving the need for the Variance. Mr. Wales asked why the Applicant was applying for the permit since the use was intended to be Temporary. Mr. Gardner explained that County Regulations required it. Mr. Wales then asked if another permit and Variance would be required when the site reverted to a retail establishment. Mr. Gardner explained that this was the case, and noted that the Board could separate the Variance from the use and apply it in perpetuity to the site. Mr. Gardner amended the sample motion to reflect this change. Mr. Wales asked if there were tax benefits to the property owner, and Mr. Gardner stated that tax issues were not within Staff's purview or knowledge.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variance, with the addition that the Variance would not be tied to the use, but would remain attached to the site.

Chairman Brick called for a motion. Mr. Wales made a motion to grant the Variance, with the addition to separate the Variance from the use as recommended by Staff citing the factors in favor. Ms. Barnard seconded the motion and Mr. Brick called for a vote. There was no further discussion.

The vote was 3-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report, incorrectly informing the Board that there were no Dockets for the next month. The proposed light pollution and water conservation regulations were discussed as well. Mr. Gardner closed by explaining the new regulations that had been sent to the Board.

Ms. Barnard made a motion to adjourn. Mr. Wales seconded, and the meeting was adjourned at 6:53 p.m.